The Messenger.

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WILMINGTON, N. C.

IS BRYAN LOSING STRENGTH?

The Fayetteville Observer, one of the strongest Bryan papers in the land, had in its issue of last Saturday an editorial with the heading "Executive Committees Find No Fault in Endorsing Bryan When Wishing to." We take this to mean that the executive committee of the democratic party in this state refused to endorse Mr. Bryan because a majority of that body was opposed to such action and not because, as published, that majority had no right to do so. The Observer speaks of the "clever movement to 'head off' the resolution prepared by direction of the Cumberland Bryan Association" and criticises the action of the "North Carolina leaders." Does not that action of the "North Carolina leaders" indicate that they had felt the democratic pulse and found it not to beat so strongly for Mr. Bryan as it did two years ago when the convention gave the committee authority for passing such resolution as that "prepared by direction of the Cumberland Bryan Association?" If the leaders in their meeting last month had thought the Bryan sentiment in the state was as strong as it appeared to be two years ago would they have hesitated to pass the resolutions prepared for its favorable action by Cumberland Bryan Association? Surely it would not have hesitated to do so. That committee had as much authority to pass such resolutions as did the committees in the several other states which have recently done so. One may say what he pleases about the ostensible reasons the committee had for not adopting the resotions; but the facts remain that the democratic state committee refused to pass the resolutions and that committee was the creature of the state convention of two years ago which endorsed Mr. Bryan's nomination for two years thence. Can any Bryan man claim that there was no significance in this action of the committee? Does not it show that Mr. Bryan is not as strong in the state today as he was two years ago, or at least that a majority of the members of the state committee are of that opinion?

TARIFF REVISION.

Both parties promise the people tariff reform in the near future; but is either in condition to carry out its pledges? The republicans in congress can't do it, because they do not dare to go counter to the desires of the men who keep them in power, and the democrats can't do it because there is no possible chance of their getting control of the two houses of congress and of the executive branch of the government at the same time in the near future. No matter how great a political landslide there may be for the democrats in the November election—even if they should elect the president and a majority of the members of the house of representatives—it would not be possible to change the political complexion of the senate until after March 4, 1911. Therefore it is plain that the only chance the country has for tariff reform in the next three years is at the hands of the "friends of traiff"—the republicans. If any tariff revision is to come within that time it must be at the hands of the republicans, driven to such measures by the fear that unless they grant the people some relief the governmental power will be wrested from their hands after that date by the people who will by then have become even more restive under and opposed to the high protective principles of that party which are maintained at the present day and which are already causing so much dissatisfaction in the ranks of the party in several sections of the country. We believe the republicans will put off revision of the tariff—that is, a revision in the interest of the people—as long as they can safely do so, and then they will make a pretense of making such revision in order to prevent their loss of control of the government. The question, then is, what is the best for the democrats to do, to aid the republicans in the meantime making such improvements in the law as will be of some advantage to the people or oppose revising the tariff by its friends and taking the chances of, a few years later, securing control of all branches of the government and putting in effect a tariff law which suits the ideas of the low tariff party. There is more of a certainty, with some relief to the people by the former course than there is a little later on of greater benefit through the latter course.

THE NEW MILEAGE BOOK RULE.

The railroads of the state have caused a great deal of adverse criticism by their recent order that after today the holders of mileage tickets must go to local station agents and have their mileage "pulled" by the latter and be given tickets to the points of destination in place of the mileage taken out, instead of, as heretofore, having the conductors take out the mileage after the train had stated. We understand that this order has caused much dissatisfaction on the part of the men who generally purchase this class of transportation, especially the traveling representatives of business houses. These claim that the new rule causes them great delay and annoyance, which they heretofore avoided by purchasing these tickets.

The new order has been denounced as an outrage and a great imposition on the men who use mileage tickets.

As the readers of The Messenger of last Saturday learned, Governor Glenn was so incensed at the issuing of the rule that he wrote a letter to President Finley, of the Southern railroad, excoriating him, as the power through whom he personally negotiated the passanger rate compromise, because of the action the railroads had taken in this matter and declaring that if he had known that such a rule was to be adopted by the railroads he never would have submitted the proposition he did to the legislature in extra session and the latter would not have passed the compromise bill.

By way of parenthesis we will say that we cannot understand how the governor knows the legislature would not have passed that bill if he had refrained from recommending it. In fact his experience with the two sessions of the legislature during his term of office indicates that that body does not pay much attention to his recommendations, for the two most important recommendations he has made to that body were ignored by it. The legislature of 1897 refused to be governed by his recommendation that a two and a half cent passenger rate be established and the one of 1908 turned down his urgent recommendation that it pass a state prohibition bill over the heads of the people. What reason then has he for thinking that body would have heeded his advice in this case? It strikes us the governor was doing some tall guessing when he made that statement.

But to get back to the matter in question. Is this new rule such a great hardship on the users of mileage books? Were not the railroads forced to it for their own protection? Knowing what we do of the abuse of the mileage book system under the old rule, we are surprised that the railroads have not resorted to the new rule long ago. Traveling men know, as well as do the railroads, who had many instances reported to them, that many—not all—owners of mileage books greatly abused their privileges. There were many ways of doing this, such as getting on a train and having mileage "pulled" to a nearby station and riding far beyond it; having baggage checked to far distant points on exhibiting their books to the baggage agent and then boarding a train for a short distance and often in an entirely different direction. Numerous instances of these and other tricks were constantly being reported to the railroad officials. Under the old system they could not be prevented. The new rule blocks these schemes of defrauding the railroads.

Again there is not so much time of the conductors taken up in collecting or punching a straight ticket as there is in making out the mileage, tearing it off and securing the signature of the holder of the mileage book, thus giving the conductor more time to attend to his other duties while his train is in transit.

Still again this rule, while something new in this state, is by no means so in other sections of the country. It has for some time been the rule to the north and west of this state, and when the proposition was made that these mileage tickets should be made interchangeable the roads which had the system already in force refused to make such tickets interchangeable unless the North Carolina roads would adopt the same rule. How then the hardship? Men who have been riding on interchangeable tickets on those other roads have been for a long time subjected to this great inconvenience (?) and their interchangeable books would not be recognized over those roads if such a rule did not prevail on the North Carolina roads issuing them. By adopting this rule the roads of this state have extended to the holders of mileage books the advantages of such tickets.

And still again. It must be borne in mind that the railroads of this section, in issuing the mileage books at the reduced rates have put in the hands of that class of the traveling public which uses them passenger transportation much cheaper than ever offered in this section of the country. It is as cheap in this sparsely settled section as it is in the most thickly peopled part of the nation. It is as cheap here it is where the railroads haul fifty passengers to every one of our roads. Considering the amount of travel on the roads in this section and in those so much more thickly settled where the rates are the same, our roads in these mileage books give the cheapest passenger transportation in the United States. This being the fact and in consideration of the further fact that when the railroads agreed to put on these very cheap rates they did it as an experiment for a year in order to ascertain if they could do business without a loss on such rates, it strikes us that the officials of the roads owe it as a duty to the corporations they represent, to the stockholders of those corporations and to those of the roads' patrons who pay a higher rate for transportation by the purchase of single route tickets, to see that the roads get value received for every mile ridden by those who hold the mileage books.

The mileage book men are not the only ones who are entitled to consideration from the railroads. They form a small proportion of the passengers whom the railroads accommodate with transportation. The purchasers of straight tickets who pay a half cent a mile more than the other class form the bulk of patrons of the roads—the people who cannot afford to pay down twenty or forty dollars at a time for tickets for possible future travel. These latter are to be considered also. All the advantages and all the accommodations are not to be given to the other. The countryman with his little dollar and a half trunk, who pays half cent a mile more than the other fellow has got to show his ticket in order to have his trunk checked and he does not ever try to cheat the road by having his trunk checked for a haul of several hundred miles when he is going to travel only a score or more.

It must be borne in mind that the railroads have put on this cheap rate as an experiment for one year. Their agreement was to give it a fair trial for that length of time in order to see if they could afford to continue it. It is highly probable, under recent decisions of the federal circuit courts in this and other states and of the federal supreme court sustaining those lower courts, that at the end of that time if the railroads show that they are losing money on these rates they will be allowed to restore the former higher ones. Therefore we say it is to the interest of parties using these very cheap tickets to aid the railroads in showing that they can make a profit at present charges, instead of doing all they can to hamper them.

It strikes us that in the new attitude Governor Glenn has assumed he is working directly against the interests of those of the state—"the people"—whom he claims to represent, in the interest of a favored class who heretofore had been granted special privileges and are under the compromise of last winter given greater special privileges.

We recognize the fact that there are "two sides to every question" and may be more to most ones. We give the above as some reasons why the railroads should not be so vehemently abused for the action they have taken. We feel sure many others could be given, and at the same time are willing to admit that there are some good points in the position taken by those on the other side of the proposition, but we think that a thorough sifting of all the facts will show the preponderence in favor of the new order. We are surprised to see that Governor Glenn, the good lawyer that he is, can see only one side of the case.

PISTOL TOTING BY PERMIT.

The press dispatches giving an account of the shooting of the negro in Washington City by Congressman Heflin stated the latter announced at the police station that on account of the anonymous letters he had received threating his life he had been granted permission to go armed. It seems the laws of the District of Columbia allow the granting of such permission for a period of thirty days, the person giving a three hundred dollar bond. At the end of thirty days the permit can be extended for a like period, on renewal of the bond, for good cause shown. The Charlotte Chronicle suggests that this law could be improved by requiring the owner of a permit to wear a badge "to indicate that he is loaded." That is a good idea if people are allowed to go armed. If Mr. Heflin had been wearing one that negro would have been careful about the kind of language he used to him, and the congressman would not now be in the unpleasant position he occupies.

AMMUNITION FOR REPUBLICANS

We do not like joint canvasses of candidates for nomination in any circumstances, but we take it that advocates of this plan generally must disapprove of the Kitchin-Craig and the Brooks-Holt discussions. They are calculated to do the party great harm. We can't understand why the participants do not see this, unless it is that they are so blinded by selfishness or are so anxious for the offices that they do not care what harm is done the party, just so they get the nominations, feeling that the latter would amount to an election in either case. That may be politics, but it surely is not loyalty to the party. These men are making some mighty good ammunition for the republicans during the campaign and a lot of it, too; as will be seen when the contests for election begin after candidates are nominated.

STRETCHING THE CONSTITUTION

Twenty thousand operatives in the mills of New England have their wages cut ten per cent. Why doesn't President Roosevelt order the interstate commerce commission to make an investigation into the affairs of these milling corporations in order to ascertain whether they are justified in reducing wages, as he did in the case of the Louisville and Nashville Railroad Company when it announced that it intended to make a wage reduction? Can't he stretch the interstate commerce clause of the federal constitution so as to make it cover this case? Those mills do an interstate business. They ship their goods into all the states of the union. If the federal government can constitutionally regulate child labor in the cotton mills of the southern states, surely it can do the same as to wages in the New England mills. If it has the power to prohibit those of the former who employ children under a certain age from shipping their goods beyond the borders of the state in which they are situated it ought certainly to have the same power to prohibit the latter from doing the same if they are found, after a government investigation, to be paying their employes wages far below what the work is worth and what the mills are able to pay. It strikes us one is no more constitutional than the other.

Mr. Roosevelt advocates action by congress on the child labor proposition, claiming that to be constitutional. To be consistent he should hold the other so also. He wants congress to dictate to the states at what age children shall be allowed to work in factories, which would be a most outrageous interference with the rights of the states to manage their internal affairs. He tried to get around the plain constitutional inhibition by the subterfuge of prohibiting the shipment beyond the border of the state of the goods of any mill therein which employs children under a certain age, which amounts to the same thing, for no mill in the south could continue in operation whose market was confined to its own state.

Such prohibition to mills which violate the child labor laws of their states would not be so glaringly unconstitutional, but still it would be an interference by the national government with the strictly internal affairs of the states.

In his recent message to congress the child labor question was one of the several enumerated which the president urged congress to act upon as soon as possible.

POPULISTS SCHEMING.

Tomorrow is the day for the populist national convention to meet in St. Louis. It is generally conceded that Mr. Watson, of Georgia, will be nominated for president. All of the eleven hundred delegates favor him except the thirty-seven from Nebraska, who want Mr. Bryan, and the Alabama delegation.

We hope the convention will not change its mind and nominate the latter; for then the democratic party might be induced to repeat the foolish thing of putting some of the populist electors on its electoral tickets in some of the states, North Carolina among the number, as the democratic state committee did once before, to the great disgust of some of the best democrats in the state.

The republican convention will be held in the latter part of June and the democratic early in July. The populists must have some special reason for holding theirs so much earlier than the other two. No doubt it is for the purpose of giving them time to make deals with the democrats or republicans in the different states, as suits their purposes or as they are able to accomplish. We hope the democrats of the state will stand clear of them and not listen for a moment to any propositions that may be made. We have enough populists enrolled in the democratic party as matters now stand, and we do not want to see the party forced further toward populism.

STATE RAILROAD REGULATION.

From the New York Commercial we take an editorial, printed below, on the Minnesota and North Carolina railway rate decisions in the federal supreme court. It is a clear statement of the facts and the meaning of the decision. That paper says:

Those persons who affect to discover in the decision by the United States supreme court against the constitutionality of the recent enacted railroad rate laws of Minnesota and North Carolina a ruling that points directly to the unconstitutionality of the federal rate law of 1906—the "Hepburn act," so called—fail to fully sense the bearing and the application of this decision. The right of the states to establish and enforce rates of passenger and freight transportation within their borders has not in the slightest measure been impaired by this opinion, nor has the right of the federal government to exercise control over interstate commerce rates through the national commission been called in question.

To particularize, the Minnesota law makes two cents per mile the maximum rate for passage on railroads in that state and also fixes the rates for the hauling of certain commodities—the penalties for violation of the act being a fine of $5,000 and imprisonment for five years for every refusal by an officer of a railroad to comply with the provisions of the law; the federal courts for that district were successfully appealed to for enjoining the attorney general from enforcing the law; and this decision by the United States supreme court merely establishes the jurisdiction of the federal courts in such cases and declares the act to be unconstiutional, primarily, by reason of its excessive penalties.

Article eleven in the amendments to the constitution of the United States declares that the judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state or by citizens or subjects of any foreign state—and under this provision the Minnesota attorney general denied the jurisdiction of the federal court in this matter. Section one of article fourteen in the amendments to the federal constitution provides, however, that no state shall make or enforce any law which shall abridge the privileges or the immunities of citizens of the United States; "nor shall any state deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws." This latest supreme court opinion holds that as between the prohibition of the eleventh amendment behind which the state had taken refuge in enacting such legislation and the property rights protected by the fourteenth amendment, the latter is paramount where such rights are invaded. So much for the jurisdiction of the federal courts in the matter of "holding up" the enforcement of state laws—a clear setback to the ultra-state-rights theorists.

As to the specific provisions of the Minnesota act itself the supreme court says that its penalties are so severe that it would be difficult for a railroad company to find an employe willing to run the risk of conviction of felony for the purpose of testing the law, and the company itself might be subject to the confiscation of its whole property possibly. "It may therefore be said," Justice Peckham concludes, "that when the penalties for disobedience are by fines so enormous and imprisonment so severe as to intimidate the company and its officers from resorting to the courts to test the validity of the legislation, the result is the same as if the law in terms prohibited the company from seeking judicial construction of laws which deeply affects its rights." Hence this law's plain unconstitutionality.

Minnesota, North Carolina, all the states may keep on till doomsday enacting laws for the regulation of freight and passenger rates on their railroads—provided only that they do not make the rates so low or the penalties for violation too high as to be confiscatory of the property; and the federal courts can always stop the enforcement of such laws pending the constitutional test. That is all there is in this latest decision by the United States supreme court.

THE ORGAN'S ACQUIESCENCE.

We think the power of the organ of the prevailing party to acquiesce in the action of the executive officers or in the decisions of the court of last resort should be regulated by statue or, perhaps, by an amendment to the constitution. As it is now the governor may not know in what cases it is necessary for him to obtain the acquiescence of the editor of the organ, and the matter being in doubt there is danger of the latter extending his right of acquiescence to cases which it does not properly cover, thereby causing serious conflict between him and the chief executive, and, furthermore, in case of the election of Mr. Bryan as president this same organ editor might desire to extend his powers of acquiescence from state to national affairs. This latter question is of especial importance as it is said that the chief reason for the organ editor's vehement support of Mr. Bryan is that he expects a cabinet position if the candidate is elected. If Mr. Bryan is nominated and elected he should make the organ editor secretary of the navy. That position is supposed to belong to North Carolina under democratic administration and such appointment would be especially appropriate in this case.

THE COAL MINERS' STRIKE

There are some significant features about the big strike of the bituminous coal miners which began yesterday, which indicate that the strike is a welcome event to the mine operators and that they did all they could to bring it on. They are able to stand a strike of some duration without suffering loss; for, as the press dispatches announce, because of the open winter and industrial depression there is a large stock of coal on hand. In some sections involved in the strike there is no dispute as to wages, the miners not demanding higher pay or the operators endeavoring to reduce the scale. The whole trouble seems to be differences on some minor matters when the time came to sign up for renewal of contracts between employers and employes. At only one point did the mine owners insist on a reduction in wages. At all points where the strike was inaugurated the operators seemed to have been sure that it would occur—that there would be no agreement for awhile between themselves and the operatives. They had prepared for it by storing up a large amount of coal so that their business would not be interefered with.

It looks like a scheme on the part of the mine owners to inaugurate a cheap and convenient method of reducing the big supply of coal at the beginning of the dull season and that the miners have played right into the hands of the producers.

TROUBLE WITH VENEZUELA.

Our controversy with Venezuela has reached that stage where diplomacy can do nothing more and the big stick will have to be brought into use. We do not understand, however, why Mr. Roosevelt, who is always so pleased with any opportunity for using it, should in this case refrain from its use and place such responsibility on congress. Perhaps it is too knotty a question for him, and this being an election year he wants to shift from his shoulders to those of others the responsibility for possible failure. Anyhow, whatever the cause, the state department announces that it has "washed its hands of Venezuela and turned the whole matter over to congress." In consequence, the senate committee on foreign relations has taken the matter up, and the public is told that those of its members who are familiar with the situation have tentatively formulated a program embracing three propositions looking to bringing Venezuela to terms. Two of these will work greater hardship to the American people than to those of the other country. The other is to put the matter back into the hands of the president and let him take what action he sees proper in treating with Venezuela. It was to avoid this responsibility that the state department turned the whole matter over to congress. Mr. Roosevelt will be sure to do all he can to prevent congress taking this course, especially if it will force him to act before the election.

REMARKABLE WORSHIP TEST.

This is a remarkable experiment to test the effectiveness of our naval vessels the government is preparing to make—the firing of twelve-inch shells from a battleship against the turrets of the monitor Florida. Preparations are now in progress and everything will be in readiness in a week or ten days. The government is trying to keep the matter as secret as possible, as to the preparations, time and place. In the experiment conditions "as nearly as possible approaching actual warfare" are to be the feature, with the exception that there will be no human being on the Florida, although were such allowed there are plenty of men who would volunteer to be aboard at the time.

The test is not only to ascertain the resisting power of the armor plates of a vessel of the Florida type against twelve-inche shells, but also how the rivets and bolts as well as the guns in the turrets stand the tremendous concussion.

Another test will be made by firing a Whitehead torpedo at the monitor to ascertain the effect of striking her in a vital part.

These are the first experiments of the kind that have ever been made by the navy of any government—one in which the target was a vessel in service. Several years ago the British navy tested the guns of its newest warships by firing them at some warships that had been permanently put out of commission because being of antiquated type.

This will be a costly experiment for the government, especially if it is found that the Florida cannot withstand the impact of the heavy shells; but if that proves to be the case it may be the means whereby the offensive powed of our navy can be greatly strengthened and thereby be of great saving to the country in case of war in the future.